

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Monday, April 17, 2006 at Westfield Town Hall. Members present included Patrick Miller, David Mueller, Bill Sanders, Cindy Spoljaric, and Craig Wood. Also present were Tom Higgins and Attorney Brian Zaiger.

Wood moved to approve the March 20, 2006 minutes as presented.

Mueller seconded, and the motion passed by voice vote.

Sanders arrived at 7:06 p.m.

Miller reviewed the Public Hearing Rules and Procedures.

OLD BUSINESS

Higgins stated a letter was received from petitioner's legal counsel to withdraw 0601-VU-001 and 0601-VS-001.

Higgins announced 0603-VS-009 became eligible for an increase in sign bonus and became compliant; therefore a variance was no longer necessary.

0603-VS-010 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.050-(D)-(4) to allow for the development of a downtown site that is less than 5 acres, (.7).

0603-VS-011 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.050-(D)-(6)-(a) to reduce the front yard setback at the above location.

0603-VS-012 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.050-(D)-(6)-(b) to reduce the side yard setback at the above location.

0603-VS-013 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.050-(D)-(2)-(a) to allow the use of the rear and side yards at the above location for commercial use.

0603-VS-014 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.050-(D)-(2)-(c) to allow the use of the rear and side yards at the above location for commercial use (trash enclosure).

0603-VS-017 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.120-(1)-(3) to allow the construction of a facility without a loading berth at the above location.

0603-VS-018 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.120-(2)-(f) to reduce the access to less than 24 feet at the above location.

06-03-VS-019 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.120-(2)-(g)-(2) to eliminate the required wheel stops at the above location.

0603-VS-020 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.120-(2)--j--(11) to reduce the required number of on site parking spots at the above locations.

0603-VS-021 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.050-(15)-(a) to reduce the required size of the sidewalks at the above location.

0603-VS-022 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.050-(15)-(f)-(3) to allow the use of outdoor space for storage during business hours at the above location.

0603-VS-023 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.060.060-(a) to reduce the buffer yard requirements at the above location.

0603-VS-024 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.060.060-(b) to reduce the buffer yard requirements at the above location.

0603-VS-025 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.080.010-(e) to increase the allowable signage square footage requirements at the above location.

0603-VS-027 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.050-(e)-(2)-(6) to allow an outdoor eatery at the above location.

0603-VS-028 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.060.060-(c) to allow for the reduction of evergreen plantings at the above location.

0603-VS-029 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.060.070-(B)-(2)-(a & b) to allow for the reduction of perimeter parking plantings at the above location.

0603-VS-030 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.060.070-(A)-(2)-(e) to allow for the reduction of parking island plantings at the above location.

0603-VU-003 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.050-(E)-(1) to allow for the mixing of residential and commercial land uses at the above location.

Mr. Jay Reale, design architect and builder for the project, introduced Larry Pearson, and presented the details of the project, which is a two-story multi-tenant commercial building, which presents a downtown urban image. He stated that the all brick exterior building will house a maximum of seven tenants where the first floor will house five tenants, and the second floor will either be commercial or residential, depending upon the needs of the tenant. Reale stated although the site is very small, after working with staff, a balance of building size, on site parking, landscaping, and open space has been achieved.

Mueller asked what the total number of parking spots is.

Reale responded 28.

Wood asked what the minimum number of tenants is.

Higgins stated if one tenant wanted the whole building that would be fine; the project is market driven.

Wood asked what types of commercial businesses are envisioned.

Reale responded the possibilities include a restaurant, office space, or even an eye doctor.

Wood asked if there was a food service, was this envisioned as fast food or sit down.

Reale responded the belief that it would probably be better with more of a family oriented type business, one that would work with the pedestrian concept.

Spoljaric stated she thinks the second floor should stay residential rather than commercial.

Sanders expressed concern about the drainage; draining away from the building will put the drainage up to the retaining wall.

Reale responded that a common sense solution to that problem is that most of the draining off that site rolls down the alley to an inlet off of SR 32 to the east. The proposal is to send all the drainage collecting in the parking lot, roof, and veranda area to that same natural drainage route.

Mueller asked if retention is a consideration for this property.

Reale responded his understanding is this is not a criterion for this urban project and there is adequate capacity to handle the existing system.

Spoljaric expressed concern about the architectural details being of significant importance in order for this project to not look like a standard strip building.

Mueller stated although he likes the project, he is not sure it belongs in this area.

A Public Hearing opened at 7:50 p.m.

Ms. Melody Sweat expressed her concerns about the architectural standards for the Historic District, outside storage, and the desire for unique architecture, lighting, bike racks, and attention to pedestrian traffic.

The Public Hearing closed at 7:55 p.m.

Mueller asked since they are more visible because of elevation, do they still need the sign increase.

Reale responded he is not sure at this point what the tenants' sign needs will be.

Miller requested to omit any reference to "as per plans filed" when making his motion since this looks like a very bland suburban type plan.

Therefore, Miller moved to approve all the requests with the exception of 0603-VS-013 (rear and side yard), 0603-VS-019 (wheel stop), 0603-VS-022 (outside storage), 0603-VS-025 (signage), 0603-VS-027 (outdoor eatery area), and 0603-VU-003 (mixture of residential and commercial uses). The Board agreed these would be set aside for the time being.

Miller moved to approve 0603-VS-10, 0603-VS-011, 0603-VS-012, 0603-VS-014, 0603-VS-017, 0603-VS-018, 0603-VS-020, 0603-VS-021, 0603-VS-023, 0603-VS-024, 0603-VS-028, 0603-VS-029, and 0603-VS-030.

Wood seconded, and the motion passed 4-1 (Mueller).

Miller moved to deny 0603-VS-025 (signage).

Sanders seconded, and the motion passed unanimously 5-0.

Miller moved to deny 0603-VS-019 (wheel stops).

Wood seconded, and the motion passed unanimously 5-0.

Mr. John Pearson discussed the request for outside eating on the west side of the building and a little bit of outside storage or display.

Miller asked for clarification on how much space they were requesting for an outside eating area.

Pearson responded room for five tables.

Sanders proposed the depth of the building for no greater than half the width between the building and the property line is designated for an outside eatery area, and the part not in the outdoor eatery area a public walkway would have to be provided.

Petitioner agreed with Sanders proposal.

After further discussion, Higgins clarified the discussion point which was an amendment to 0603-VS-027 which states that at the west end of the building, an outdoor seating and eatery section is allowed; however, no food preparation eleven feet out from the building anywhere.

Miller clarified that 0603-VS-022, request to allow use of outdoor space for storage, is withdrawn.

Miller restated 0603-VS-013 needs to be amended to delete any reference to rear yard and instead would be amended to pertain only to the west side at the above location to allow an eleven foot wide area for outdoor food consumption and service only; no outside food preparation.

Miller moved to approve 0603-VS-013 and 0603-VS-027 as amended.

Wood seconded, and the motion passed 4-1 (Mueller).

Miller moved to approve 0603-VU-003 with the amendment stating that mixing residential with commercial would only apply to the second floor of the building; no residential on the first floor.

Mueller seconded, and the motion passed 5-0.

Miller moved to adopt the staff's findings of facts for 0603-VS-10, 0603-VS-011, 0603-VS-012, 0603-VS-014, 0603-VS-017, 0603-VS-018, 0603-VS-020, 0603-VS-021, 0603-VS-023, 0603-VS-024, 0603-VS-028, 0603-VS-029, and 0603-VS-030.

Wood seconded, and the motion passed by voice vote.

Miller moved to adopt the findings of fact in direct opposition to the staff's findings of fact siding in support of the ordinance for 0603-VS-025.

Wood seconded, and motion passed by voice vote.

Miller moved to adopt staff's findings of fact on 0603-VS-019 (parking stops).

Wood seconded, and motion passed by voice vote.

Miller moved to adopt staff's findings of fact on 0603-VU-003 with the added condition of residential use only on the second floor.

Wood second and motion passed by voice vote.

Miller moved to adopt staff's findings of fact on 0603-VS-013 and 0603-VS-027 with added conditions.

Wood seconded, and motion carried by voice vote.

The Board took a five minute recess.

NEW BUSINESS

0604-VS-031 16136 Joliet Road Westfield: Stephen and Beth Harbin: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.030-(B)-(1) to allow for the reduction of distance in installing an indoor riding area and barn from two hundred feet (200').

0604-VS-032 16136 Joliet Road Westfield: Stephen and Beth Harbin: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.100-(2)-(vii) to allow for the construction of a building that is not subordinate to the residential structure on the parcel.

Ms. Beth Harbin presented the details of the requests which is an indoor riding arena and barn which is 70 feet wide, 106 feet long, and 14 feet at the eaves. She stated the existing barn is 40' x 60' with a hayloft.

Spoljaric asked if any trees would need to be removed.

Harbin responded they have already cleared some trees for the preparation.

Mueller asked if she has spoken with any of the neighbors.

Harbin responded that an open house was held and neighbor's questions were answered and positive feedback was received.

A Public Hearing opened at 9:00 p.m.

Mr. Eric Sampson is a neighbor of the Harbins and spoke in favor of the project.

The Public Hearing closed at 9:05 p.m.

Miller added the conditions of up to a maximum of eight adult horses and no commercial uses associated with this building.

Miller asked about the waste management system.

Harbin responded that they use the "spread and remove system;" only stock pile up to six months and then a dumpster is filled and taken to Waste Management.

Miller moved to approve 0604-VS-031 and 0604-VS-032 as filed with the following additional conditions:

1. That petitioner be allowed up to a maximum of eight adult horses; and,
2. That the proposed building will generate no commercial uses associated with it.

Sanders seconded, and the motion passed 5-0.

Miller moved to adopt the staff's findings of fact.

Mueller seconded, and the motion passed by voice vote.

0604-VS-033 1206 161st Street Westfield: Elijah and Katherine Moffett: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.030-(B)-(5)-(a) to allow for the reduction in the road frontage requirement of two hundred fifty (250') feet to twenty feet (20').

Mr. Justin Moffett spoke on behalf of Elijah and Katherine Moffett and presented the details of the request which is to seek a variance due to the property being a flag lot and is seeking approval to build one single family home using no vinyl products.

Mr. William Hobbs spoke of acquiring the property and stated the driveway is part of the property.

A Public Hearing opened at 9:15 p.m.

No one spoke, and the Public Hearing closed at 9:16 p.m.

Wood moved to approve 0604-VS-033 as presented with the following conditions:

1. There will only be one curb cut for the parcel and no further requested; and
2. There will be no further subdivision of the parcel.

Sanders seconded, and the motion passed 5-0.

Miller moved to adopt the staff's findings of fact.

Wood seconded, and the motion passed by voice vote.

0603-VS-026: 14641 US 31: Thomas Caccavo – Village Developer Limited Partnership: The Appellant is requesting a Variance of Use from the Westfield Washington Ordinance WC 16.040.070-(2) to allow a drive thru at the above location.

This item is continued to the May BZA meeting.

Sanders announced his resignation from the Advisory Plan Commission effective next Monday, April 24, 2006; as a result, since he is the Plan Commission appointment for the BZA, he will no longer be serving on the BZA.

The meeting adjourned at 9:22 p.m.

Chairman

Secretary